

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition  
of the Lake Tahoe Task Force,  
Northern California Regional  
Conservation Committee, Sierra  
Club, for Review by the State  
Board of Approval of Tahoe-  
Truckee Sanitation Agency,  
Wastewater Treatment and  
Conveyance System, North Lake  
Tahoe-Truckee River Basin.

Order No. WQG 75-15

BY THE BOARD:

By letters dated March 3, 1975, and April 15, 1975, the Lake Tahoe Task Force, Northern California Regional Conservation Committee, Sierra Club (petitioner) requested that the State Water Resources Control Board (State Board) review and rescind the determination of the staff of the Division of Water Quality (staff) to give concept approval to the Tahoe-Truckee Sanitation Agency's proposed wastewater treatment and conveyance facilities project. A petition for review of the specific staff actions in the matter is not provided for by Section 2154, Subchapter 7, Chapter 3, Title 23 of the California Administrative Code, the Board's regulation concerning review of discretionary decisions of the Water Quality Division staff. However, this particular petition has been considered based on provisions of the California Environmental Quality Act (CEQA) and the Resources Agency Guidelines for Implementation of CEQA. The review afforded in this matter will be limited to consideration by the State Board of the staff's decision to give concept approval in light of the environmental documents.

## SUMMARY OF FACTS

The Tahoe-Truckee Sanitation Agency was formed on May 1, 1972, subsequent to passage of an enabling act by the State Legislature, for the purpose of finding a solution to the water quality problems in the Lake Tahoe and Truckee River Basins. Subsequent to this time, a project report was prepared by the Tahoe-Truckee Sanitation Agency, a bond election passed which provided the local share of funding for a project and approval of the concept of a regional sewerage project was given by the State Board. The project as set forth in the Tahoe-Truckee Sanitation Agency Amended Project Report, dated February 1973 provided for initial treatment capacity of 6 million gallons per day (mgd), with an additional capacity of 6 mgd to be added at a later date.

After revision of population projections, the grant eligible capacity of the treatment plant project was established at 4.83 mgd and the capacity of the Truckee River Interceptor at 7.6 mgd. The project is being designed to the grant eligible capacity. The Environmental Protection Agency (EPA) prepared an Environmental Impact Statement (EIS) which has been used by the staff as the environmental impact analysis for the project pursuant to CEQA. The final EIS was completed September 17, 1974. In response to a request from the President's Council on Environmental Quality, a supplement was prepared by EPA which was finalized on May 15, 1975.

The project was approved by the California Tahoe Regional Planning Agency (CTRPA) on May 3, 1975, and the bi-state Tahoe Regional Planning Agency (TRPA) on May 28, 1975. The staff of the Division of Water Quality gave concept approval to the project on February 11, 1975. On March 31, 1975, the staff approved plans and specifications for the Truckee River Interceptor portion of the project and authorized the Tahoe-Truckee Sanitation Agency to advertise for bids on that portion of the project. Further design approval and approval to award the construction contract for the interceptor has not been given by staff pending the outcome of this review.

The project given concept approval by the staff ("Alternative H" as discussed in the EIS) provides for the collection and transportation of all wastes to a treatment plant at the confluence of the Truckee River at Martis Creek. The wastes would be treated to a very high level, then applied to subsurface strata on adjacent land for ultimate disposal.

#### CONTENTIONS AND FINDINGS

The petition contained an extensive list of contentions, most of which are consolidated in the following discussion into three major contentions. The State Board's conclusions regarding any contentions not directly addressed in this order are the same as the staff conclusions contained in the staff report to the Board entitled "Tahoe-Truckee Sanitation Project: Summary of Sierra Club Comments and Impact Statement Contents", attached and made a part of this order by reference.

The major contentions set forth in the petition and the State Board's findings thereon are as follows:

1. Contention

Existing facilities meet or can be readily modified to meet water quality objectives in the Tahoe Basin portion of the Tahoe-Truckee Sanitation Agency service area.

Finding

The petitioner favors an alternative to the project chosen which would allow "unbundling" of the treatment facilities necessary to treat the waste from the Tahoe-Truckee Sanitation Agency service area. That is, the petitioner favors several smaller treatment facilities rather than the single facility proposed. Alternatives similar to that recommended by petitioner are discussed as "Alternative J" and "Alternative I" in the impact statement.

The existing facility for treatment of wastes within the Tahoe Basin portion of the Tahoe-Truckee Sanitation area is an interim facility consisting of a primary treatment plant located near Tahoe City which is operated jointly by the Tahoe City Public Utility District (TCPUD) and the North Tahoe Public Utility District (NTPUD). Effluent from the treatment plant is pumped about three miles to disposal facilities located at the 7,400 to 7,600 foot elevation level in an extinct volcanic cinder cone. The disposal facilities consist of percolation trenches from which the effluent percolates into the soil and eventually into the Truckee River

outside the Lake Tahoe Basin. This interim facility is scheduled to be in use only until January 1, 1976. The capacity of that facility as provided by a U. S. Forest Service permit and Lahontan Regional Water Quality Control Board waste discharge requirements is 2.8 mgd, seven-day average. In May 1975 the average flow to the Cinder Cone was 2.78 mgd, 30-day average, with a maximum daily flow of 3.40 mgd. The seven-day average limitation was exceeded on May 20, 21 and 22.\* On June 4, 1975, the Regional Water Quality Control Board issued Cease and Desist Order No. 6-75-58, containing a prohibition of additional connections to the NTPUD-TCPUD facilities. The Regional Board found that the capacity of the Cinder Cone had been exceeded and violations of waste discharge requirements were occurring.

The petitioner favors continued use of the Cinder Cone and contends that by upgrading treatment to the secondary or tertiary level and correcting infiltration problems, a Cinder Cone capacity of 2.8 mgd could be maintained which would be adequate to serve the population of NTPUD and TCPUD.

A number of factors were considered in the impact statement in deciding against continued use of the Cinder Cone as an answer to water quality problems in the Tahoe Basin. The Cinder Cone disposal site is property of the U. S. Forest Service and is used by NTPUD and TCPUD under a yearly renewable lease agreement. Said lease will expire on January 1, 1976, coincidentally with the date set by the Regional Water Quality Control Board for

\*Note: Data from report entitled "Staff Report on Violations of Waste Discharge Requirements, Tahoe City Public Utility District and North Tahoe Public Utility District, California Regional Water Quality Control Board, Lahontan Region, June 2, 1975.

ceasing use of the Cinder Cone as a disposal site. Whether or not an extension of such lease will be given is a matter of conjecture. The Forest Service has expressed a desire to restore the Cinder Cone to public use. If such action were taken by the U. S. Forest Service, development of a new disposal area where few sites suitable for such purpose are known to exist would be necessary.

Petitioner's argument ignores the Forest Service's desire and further does not deal with information in the impact statement regarding possible groundwater mounding if the Cinder Cone use is continued, resulting in possible groundwater flow toward the Tahoe Basin, the imprecise nature of estimates of Cinder Cone capacity over time, and the problem of attempting to operate and maintain several highly complex treatment plants rather than being able to concentrate resources on proper operation of the one regional plant.

The relative cost of implementing the various alternatives is set forth in the EIS at page 111. From that estimate it can be seen that the total costs of the project alternatives is very close, and a decision as to which would be the most desirable project cannot be made based on cost alone.

In summary, Alternative H alleviates problems associated with continued use of the Cinder Cone site such as continuation of the lease with the U. S. Forest Service, and avoids the need to operate and maintain more than one treatment facility. In light of the current failure of the Cinder Cone to meet waste discharge

requirements and the other problems enumerated above, the State Board finds that the alternative plan given concept approval by the staff is preferable to the alternative suggested by petitioner.

## 2. Contention

Bona fide sewage handling needs of Truckee River portions of the Tahoe-Truckee Sanitation Agency service area outside the Tahoe Basin can be met efficiently without supporting further urbanization of the Tahoe Basin.

### Finding

Petitioner objects to the chosen project alternative (Alternative H) for several reasons. Although the primary objection raised is based on inducement of population growth in the Tahoe Basin, other statements regarding the undesirable effects of the chosen alternative were made which will be addressed here.

Petitioner objects to Alternative Plan H because it calls for an interceptor which will disturb and disrupt land and vegetation near the Truckee River bed. Petitioner correctly points out that the export line will be laid underground and cross the river at eight places. The cost of the interceptor is estimated at approximately \$10 million. Appendix R at page 54 in the EIS addresses the issue of the Truckee River Interceptor and alternatives. The primary alternatives are the gravity line along the river (the chosen alternative) or a gravity-pressure line along the highway right of way. Considerations which weighed in

favor of the gravity interceptor were: lower cost, increased reliability, energy conservation, more adequate service along the interceptor without the need of pumping, and reduction of inspection and maintenance concerns. Although there will be some visual disruption during construction, the pipe will be buried and is not expected to have a permanent visual effect on the scenic river. Further, the Lahontan Regional Water Quality Control Board in its comments on the draft EIS indicated that it will adopt waste discharge requirements to prevent siltation of the Truckee River during construction.

Petitioner contends that operating separate systems for each of the agencies outside the Tahoe Basin would be a better way to handle the area's sewerage problems. Alternatives to the system approved by the staff which involve separate treatment facilities are discussed in the EIS (pages 87-111) and in the project report for the Tahoe-Truckee Sanitation Agency project. The primary disadvantages of the alternative suggested by petitioner are, as discussed above, that it involves continued use of the Cinder Cone and the need to operate and maintain several highly complex treatment plants rather than a single plant. Which alternative is best is a matter of judgment and all relevant factors must be weighed. Reasonable persons will of course have differing opinions as to which alternative is in fact the best. The State Board, however, finds that the judgment made in the final EIS to proceed with Alternative Plan H is supported by valid considerations

and that the adverse environmental impacts which will arise from the construction of said project are outweighed by the need to provide reliable protection for water quality.

### 3. Contention

The Tahoe-Truckee Sanitation Agency project concept approved by the Board's staff will support excessive urban expansion in the Tahoe Basin.

#### Finding

Petitioner contends that the alternative given concept approval by the staff ("Alternative H") will have the effect of inducing a large amount of growth in the Lake Tahoe Basin. As stated above, the volume of discharge presently permitted to the Cinder Cone is 2.8 mgd, seven-day average. Capacity in the new treatment facility for the Tahoe Basin will be 2.94 mgd. The capacity of 2.94 mgd in the new treatment facility will also be measured on a seven-day average in accordance with waste discharge requirements set by the Regional Water Quality Control Board, Lahontan Region. Consequently, Alternative H provides only slightly more capacity than the alternative advocated by petitioner, that is, continued use of the Cinder Cone with a higher degree of treatment prior to discharge into the Cinder Cone.

There are currently approximately 11,000 sewerded but yet undeveloped lots in the portion of the Tahoe Basin to be

served by Tahoe-Truckee Sanitation Agency. These subdivisions have been approved by the land use planning agencies for the area. Assuming the infiltration problems currently being experienced by the NTPUD and TCPUD are solved, estimates of the number of additional lots which could be served by the reserve capacity provided in the treatment plant under Alternative H range from 3,400 to 3,800, depending upon the assumptions used regarding number of persons per lot and the amount of wastewater which would be produced per capita per day.

The Tahoe-Truckee Sanitation Agency project, as given concept approval, would serve the following populations within the Tahoe Basin:

Year	1974	1985 (treatment plant and interceptor)	1994 (inter- ceptor only)
No. People	22,559	32,650	40,917

As stated above on May 28, 1975, the bi-state Tahoe Regional Planning Agency approved the project as in compliance with their regional plan.

A revised regional plan is now being prepared by California Tahoe Regional Planning Agency (CTRPA). The draft of this plan does not contain population data suitable for comparison. However, it should be noted that CTRPA, on May 3, 1975,

approved the proposed Tahoe-Truckee Sanitation Agency project as in compliance with the CTRPA regional plan provided that certain provisions relating to allocation of reserve capacity among potential users in the basin are followed. In its resolution of approval, the CTRPA governing board found that the Tahoe-Truckee Sanitation Agency project "is designed to serve substantially fewer than the existing number of lots of record".

There is no way to empirically determine whether the urban expansion which will be facilitated by construction of the proposed project is "excessive". Such a determination is a matter of judgment. In this instance, the regional planning agencies with authority over the area involved have determined that the proposed project is consistent with their plans and have approved the project. The CTRPA, in fact, explicitly found after review of the environmental documents for the project that the project would not be growth-inducing if capacity were allocated as prescribed by CTRPA in its resolution of May 3, 1975. Further, the CTRPA draft plan dated May 12, 1975, is designed to allow development only within the environmental constraints determined to exist in the Tahoe Basin.\*

The State Board's regulations, Section 2133(i), Subchapter 1, Chapter 3, Title 23, California Administrative Code, do provide that the State Board may deny, limit, or condition a grant where the environmental impacts of the reserve capacity proposed outweigh

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\*See Draft Environmental Impact Report on the Draft Regional Plan, dated May 14, 1975.

the benefits. However, we find that reduction or reevaluation of the capacity provided in the proposed Tahoe-Truckee Sanitation Agency plant is not warranted in this particular case in view of (1) the need to proceed with construction in order to alleviate the current waste disposal problems at the Cinder Cone, (2) the fact that the regional land use planning agencies have approved the project as consistent with their plans for the area, (3) the fact that the CTRPA draft plan is designed to allow development only within the environmental constraints existing within the basin and (4) the fact that petitioner approves of continued use of the Cinder Cone, with its rated capacity of 2.8 mgd which is only slightly smaller than the 2.94 mgd provided for the Tahoe Basin in the proposed treatment facility.

Petitioner's concern extends further than the amount of treatment plant capacity provided by the project for the Lake Tahoe Basin. Petitioner feels that the interceptor size will allow Tahoe-Truckee Sanitation Agency to increase the population within the Tahoe Basin which could be served by the project by making some relatively inexpensive changes in the system. Further, petitioner contends that the changes could be made without the necessity to apply for federal or state funds and would therefore be uncontrolled by EPA or the State Board.

The size of the interceptor proposed could allow for increased flows by regulation of flows through storage during normal peak periods and release into the interceptor during non-peak periods. However, as discussed above, the capacity

of the treatment plant is fixed and cannot be expanded without the necessary governmental approvals which could not be given prior to CEQA compliance.

Any future expansion of treatment plant capacity would not be supported by grant funds, since State Board regulations provide that expansion of capacity will be funded only once (Section 2108(h), Title 23, California Administrative Code).

Petitioner points out that the development plans for the Martis Valley area of the Truckee River Basin are not final and the area may be a low density development without need for its allocated capacity. Petitioner claims that should Martis Valley not use the capacity in the facility allotted to it more capacity would be available for growth in the Lake Tahoe Basin.

The capacity of the Tahoe-Truckee Sanitation Agency facilities was determined based on the sum of population projections for each of the jurisdictions to be served by the Tahoe-Truckee Sanitation Agency facilities. Because the use of capacity designed for other areas to serve population growth in the Tahoe Basin could invalidate the EIS, which is based on the population projections set forth at page 84 of the EIS, the Board finds that the grant contract should include a provision allocating capacity in the treatment plant as follows:

<u>Area to be Served</u>	<u>Average Daily Flow</u>
North Tahoe PUD) Tahoe City PUD )-combined (Includes capacity for State Parks and National Forest Facilities)	2.94 MGD
Alpine Springs CWD	0.16 MGD
Squaw Valley CWD	0.32 MGD
Truckee Sanitation District (Includes capacity for Martis Valley and State Park Facilities)	1.16 MGD
Truckee River Canyon	<u>0.25 MGD</u>
TOTAL	4.83 MGD

These figures represent the capacity necessary to serve the peak summer equivalent populations set forth at page 84 of the EIS in accordance with the gallons per capita per day set forth at page 85 of the EIS.

It is anticipated that capacity could be redistributed upon agreement of the district which would lose capacity. However, such a redistribution could necessitate preparation of an additional environmental impact analysis.

#### CONCLUSIONS

After consideration of the petitioner's letters of March 3 and April 15, 1975, the impact statement, and the staff report thereon, the Board concludes as follows:

1. The alternative approved by the staff for treatment and disposal of wastewater from the Tahoe Basin (Alternative H) is preferable to an alternative which involves continued use of the Cinder Cone and is preferable to an alternative which involves use of several treatment plants rather than a single plant.

2. The capacity of the facilities to be constructed in accordance with Alternative H is not excessive in light of the need to protect water quality, the number of existing subdivided lots within the Tahoe Basin service area of Tahoe-Truckee Sanitation Agency and the regional land-use plans.

3. The State Board does not intend by this order to condone further urbanization of the Lake Tahoe Basin. If and when other state and/or local agencies determine that any given environmental constraint or constraints dictate a smaller population than that which would be served by the project, population growth may be limited directly.

ORDER

IT IS HEREBY ORDERED that:

1. The grant contract for the Tahoe-Truckee Sanitation Agency wastewater treatment facilities be conditioned as set forth on page 12 of this order.

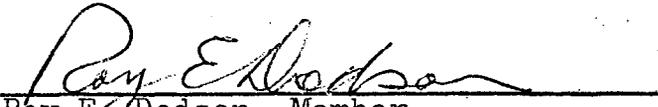
2. The petition of the Lake Tahoe Task Force, Northern California Regional Conservation Committee, Sierra Club, be denied.

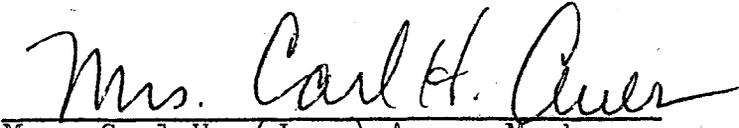
Dated: June 19, 1975

  
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W. W. Adams, Chairman

**ABSENT**

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W. Don Maughan, Vice Chairman

  
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Roy E. Dodson, Member

  
\_\_\_\_\_  
Mrs. Carl H. (Jean) Auer, Member

## INTERNAL MEMO

TO: 1. Mr. Bill B. Dendy FROM: William R. Attwater  
 Executive Officer  
 2. Board Members Chief Counsel

DATE: JUN 16 1975

SIGNATURE: *W. R. Attwater*

SUBJECT: Tahoe-Truckee Sanitation Project: Summary of Sierra Club  
 Comments and Impact Statement Contents

The Lake Tahoe Task Force, Northern California Regional Conservation Committee, Sierra Club, has petitioned the State Board to review and rescind the concept approval given by the Water Quality Division staff to the Tahoe-Truckee Sanitation Agency's Wastewater Treatment and Conveyance System in February 1975. The petitioner, because it is neither an applicant nor a grantee, is not within the group permitted to petition the Board by the grants appeal provisions of the Board's regulations.

In this case, however, the petitioner seeks Board review of staff action involving consideration of environmental documents pursuant to CEQA requirements. Section 15064 of the Resources Agency "Guidelines for Implementation of CEQA" includes the following statement with regard to responsible agencies (i.e., agencies which have approval authority over a project other than the lead agency): "...Such responsible agencies shall consider the Lead Agency's EIR or negative declaration prior to acting upon or approving the projects, and they shall certify that their decision-making bodies have reviewed and considered the information contained in them." For this reason the petition has been accepted for review.

A copy of the Final Environmental Impact Statement, Comments of the Federal Council on Environmental Quality regarding the Statement and EPA's Supplement to the Statement in response to the CEQ comments have been supplied to each Board member. These documents are labeled Appendix A, B, and C, respectively. To aid the Board in consideration of the EIS, the following staff summary of petitioner's major comments has been prepared.

Each comment is set forth in full, followed by the staff response. After each response is a reference to the pages of the Environmental Impact Statement which contain the same or similar comments.

Comment 1

The State of California under Governor Brown, places high priority on protecting the Lake Tahoe Basin. The TTSA project is coming under scrutiny for conformance with emerging state policy for the Tahoe Basin. The Board should therefore refrain from proceeding with this project or taking any action that forecloses options to protect and enhance the Tahoe Basin environment. There is cause to doubt that this project as now configured and sized is consistent with the policy of Governor Brown's administration. Some examples of the Brown administration's concerns are:

- (a) Announcement by Mr. Tom Quinn on March 28th that air pollution in the Tahoe Basin is already serious and at times nearly as bad as the Los Angeles Basin.
- (b) An announcement during the same week by Mr. Donald Burns, Secretary of Transportation that State funds would not be provided to expand roads into or within the Tahoe Basin.

- (c) Your announcement during the week of March 22, 1975 that water rights previously granted may need to be withdrawn because of imminent legal actions over water rights, thereby restricting future urban development at Tahoe, consistent with Governor Brown's policy to limit urban growth at Tahoe. Certainly the need for the TTSA project becomes questionable if future urban growth at Tahoe is limited by water supply or for any cause.
- (d) Governor Brown's publicly expressed recognition that Federal grant monies in California have been sometimes ineffective, or worse, adverse, to the best interests of this State. The State and EPA should not use public funds to subsidize urban growth of the Tahoe Basin through grants for sewage systems in excess of today's authentic water-quality needs.

Response 1

The Lake Tahoe area has for many years been trying to solve its water quality problems. In general, the regional sewage treatment concept is encouraged by federal law. Section 201(c) of P.L. 92-500 reads, in pertinent part, as follows: "To the extent practicable, waste treatment management shall be on an areawide basis...." And, in this particular case, regionalization was determined to be the best solution to the area's waste treatment problems. The Legislature passed an enabling law to allow formation of the Tahoe-Truckee Sanitation Agency for the purpose of finding such a solution. Many people are concerned and have been concerned about protecting the Lake Tahoe basin, and the project in question was designed to serve the water quality needs of the area while minimizing secondary adverse environmental impacts. The project, as given concept approval, would serve the following populations within the Tahoe Basin:

Year	1974	1985 (treatment plant and interceptor)	1994 (interceptor only)
No. People	22,559	32,650	40,917

As stated above, on May 28, 1975, the bi-state Tahoe Regional Planning Agency approved the project as in compliance with their regional plan.

A revised regional plan is now being prepared by California Tahoe Regional Planning Agency (CTRPA). The draft of this plan does not contain population data suitable for comparison. However, it should be noted that CTRPA, on May 3, 1975, approved the proposed Tahoe-Truckee Sanitation Agency project as in compliance with the CTRPA regional plan provided that certain provisions relating to allocation of reserve capacity among potential users in the basin are followed. In its resolution of approval, the CTRPA governing board found that the the Tahoe-Truckee Sanitation Agency "is designed to serve substantially fewer than the existing number of lots of record".

The above figures represent growth within the Tahoe Basin only. Of course, the Tahoe-Truckee Sanitation Agency project was sized based upon the sum of growth projections for each of the districts that make up Tahoe-Truckee Sanitation Agency. Because Tahoe-Truckee Sanitation Agency intends to serve prospective users on a first come-first served basis, a larger population that that shown could conceivably be served within the Tahoe Basin.

Because the use of capacity designed for other districts to serve population growth in the Tahoe Basin could invalidate the EIS, which is based on the population projections set forth at page 84 of the EIS, the staff will propose that the grant contract include a provision allocating capacity in the treatment plant as follows:

<u>Area to be Served</u>	<u>Average Daily Flow</u>
North Tahoe PUD } Tahoe City PUD } - combined (Includes capacity for State Parks and National Forest Facilities)	2.94 MGD
Alpine Springs CWD	0.16 MGD
Squaw Valley CWD	0.32 MGD
Truckee Sanitation District (Includes capacity for Martis Valley and State Park Facilities)	1.16 MGD
Truckee River Canyon	<u>0.25 MGD</u>
TOTAL	4.83 MGD

These figures represent the capacity necessary to serve the peak summer equivalent populations set forth at page 84 of the EIS in accordance with the gallons per capita per day set forth at page 85 of the EIS.

It is anticipated that capacity could be redistributed by agreement among the member districts. However, such a redistribution could necessitate preparation of an additional environmental impact analysis.

Whether or not the proposed project conforms to the ideals of the administration under Governor Brown is a value judgment and one group's opinion cannot provide the only acceptable answer to the problem. (EIS comment No. 1, page 158.)

Comment 2

The proposed TTSA project size was based on the assumption of moderate urban growth in the Tahoe Basin (D150). Use of the D150 growth projection in preparing EPA's impact statement was based only on consideration of sewage system funding grant rules, not on overall environmental cross-impacts on the proposed sewage system. California Law (Administrative Code--Title 13, Section 2144) requires use of the no-growth (E-Zero) criterion for sewage system grants in critical air basins. The spirit and intent of this law as well as Governor Brown's commitment to limiting urban growth at Tahoe, support use of this no-growth critical-air-basin criterion for sewage facilities at Tahoe. In recent months the Air Resources Board and more recently (April 1975) Mr. Quinn, the Chairman of the Board, have indicated air quality at Tahoe is a very serious problem. The fact that Tahoe has not been declared official<sup>ly</sup> as a critical air basin is beside the point. Tahoe is in fact a critically sensitive area and we should make our long-term decisions (such as TTSA) accordingly. Tahoe may well be declared officially as a critical air basin and in fact it is certainly one of the areas for which non degradation of existing high-quality air should be insisted upon.

Response 2

The use of population projections E-zero and D-150 as prescribed in Section 2133, Title 23 of the California Administrative Code is merely a device for determining the grant eligible capacity of a project. Under that regulation, eligible capacity in designated critical air basins is based on an E-zero population figure and all other area's capacities are based on D-150 population figures. The Lake Tahoe Basin has not, in fact, been designated as being within a critical air basin, therefore, the D-150 population projection was used.

Section 2133(i) of the Board's regulations would permit the Board, in its discretion, to limit, deny or condition a grant where the reserve capacity is of such magnitude that the growth inducing effects and adverse environmental impacts outweigh the benefits to be derived from the project.

It does not appear in this case, however, that the reserve capacity provided is of an unacceptable magnitude. (See response #1, above).

The figures below illustrate the average flows in the Cinder Cone facilities for the month of May 1975 and the flows allocated to that same area by the Tahoe-Truckee Sanitation Agency project, including increased capacity based on 1985 population projections.

Tahoe City/North Tahoe  
(Cinder Cone)

May 1975 average  
daily flow: 2.79\*mgd

1985 North Tahoe  
allocation of  
treatment plant  
capacities; average  
daily flow: 2.94 mgd

Apparently, the flows which occurred in May 1975 were due in part to infiltration. Any increase in the number of people who could be served would be dependent on correction of infiltration problems.

Assuming the infiltration problems are solved, the capacity allotted for 1985 would accommodate a projected increase in population

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\*From Lahontan Regional Board data, Staff Report on Violations of Waste Discharge Requirements, Tahoe City Public Utility District and North Tahoe Public Utility District, June 2, 1975.

of approximately 10,000. This increase would permit development of approximately one-third of the estimated 11,000 existing subdivided undeveloped lots. The project has been approved by both CTRPA and the bi-state Tahoe Regional Planning Agency (TRPA). CTRPA, in its approval of the project specifically found that the Tahoe-Truckee Sanitation Agency project would not be growth inducing in light of certain conditions which CTRPA placed in its approval. The approval resolution gives preference to use of the additional capacity in the Tahoe-Truckee Sanitation Agency system to serve development on existing lots of record within the territory under CTRPA jurisdiction. A copy of the resolution is attached as Appendix D. (EIS comments Nos. 2 and 3, page 158.)

Comment 3

The California Tahoe Regional Planning Agency (CTRPA) must by law approve all public works projects, such as the proposed TTSA sewage system. The TTSA project has not yet been approved by the CTRPA and you should not grant any further approvals or take any actions to proceed with the project until it has been decided by the CTRPA. The Board granted concept approval for the TTSA project in late February 1975 before the project had been scheduled for hearing or consideration by the CTRPA. The hearing is now scheduled tentatively for April 25, 1975. The Board meanwhile has received correspondence from CTRPA counsel regarding need for CTRPA approval.

The CTRPA is now conducting hearings on its own land use plan, not yet adopted, which reduces urban densities below those permitted by the bi-state TRPA land use plan which was in effect when the TTSA project was conceived and when the EPA impact statement was prepared. Please note, however, the following:

- (a) Lake Tahoe is public property of the State of California.
- (b) Because California law lags the evolving public consensus for protecting Tahoe's singular beauty, representatives of state-wide interests constitute only a minority of the CTRPA and can be dominated by local representatives who have often demonstrated preference for urban growth at the expense of environmental quality that serves the best interest of the state as a whole. Your Board by contrast is constituted to serve the best interest of the whole state.

Comment 4

The bistate Tahoe Regional Planning Agency (TRPA) has not yet approved the proposed project and by law cannot do so until after the CTRPA has approved it. The bistate TRPA has only given approval for the TTSA to apply for a grant to fund this project.

Response 3 and 4

On May 3, 1975, CTRPA gave approval to the project and on May 28, 1975, TRPA also approved the proposed regional facility.

Comment 5

The Board and the EPA both will lose control over future expansion of sewage export system capacity from the Tahoe Basin if the proposed TTSA system is built. The proposed system is so configured that export capacity (but not necessarily treatment capacity) can be increased substantially at relatively small cost which could be financed from local sources and would not require state and federal grants through which you and EPA exercise control.

The EPA impact statement frankly concedes this fact but disregards the potential consequences for urban growth at Tahoe.

Response 5

This comment appears to be directed to the possibility that by using interceptor capacity more efficiently, more waste can be treated, allowing further development in the Tahoe Basin. Although the treatment plant capacity is limited to 4.83 mgd, the interceptor peak wet weather flow capacity from the Tahoe Basin is 7.6 mgd. The Tahoe-Truckee Sanitation Agency could regulate the flows in the interceptor by use of storage facilities, avoiding peaks, and consequently could transport greater amounts of sewage. However, the increased capacity of the interceptors which could be realized by such modification would not in and of itself increase treatment capacity, as the treatment capacity is fixed at 4.83 mgd. Before any further treatment capacity could be obtained, a new treatment facility would have to be constructed. No further grant funds would be available for such expansion. (See Section 2108(h) of the Board's Regulations.) Prior approval for such construction would have to be obtained from CTRPA and TRPA and approval of additional discharges would be required from the Regional Board. The California Environmental Quality Act would, of course, have to be complied with in planning for later treatment plant expansion. (EIS comments Nos. 10 and 11, page 159.)

Comment 6

The proposed project might not satisfy the requirements of the California Environmental Quality Act (CEQA). The CEQA guidelines indicate that an Environmental Impact Statement (EIS) prepared under the National Environmental Protection Act (NEPA) may be used in lieu of an Environmental Impact Report (EIR) if the EIS complies with CEQA but the EIS must in addition discuss adequately both mitigation measures to reduce adverse environmental impacts and also must discuss growth-inducing impacts in an adequate fashion (California Administrative Code, Title 14, Section 15063 (B)). Section 15143 (G) regarding the treatment of growth inducing impacts under CEQA specifically cites major expansions of sewage systems as an example of projects which remove obstacles to urban growth. Furthermore, the EPA impact statement on the basis of which the Board granted concept approval did not consider the CTRPA land use plan that is now in effect, having been adopted in summer of 1974, too late for consideration in the EPA impact statement.

Response 6

Section 21083.5 of CEQA, requires that when an EIS is used in lieu of an EIR, the statement must discuss growth inducing impacts of a proposed project and mitigation measures. The EIS in fact includes discussion of both of these subject areas. Pages 84-86 include a discussion of the populations that can be served by the facilities. Pages 123 through 129 and 131 through 133 discuss the environmental impacts which will result from this additional population.

Although the discussion of mitigation measures is not included in a separate chapter, page 112 of the EIS points out that mitigation measures are discussed in the Chapter concerning "Probable Impacts Which Cannot be Avoided". This chapter begins at page 130.

Comment 7

The Council on Environmental Quality (CEQ), President Ford's Advisor on Environmental matters raised several serious questions about this project after the EPA impact statement was filed last September. These questions were not answered by EPA until March 27, 1975 and 30 days are provided for public comment on EPA's answers to these questions after announcement in the federal register (probably 11 April 1975). Your Board's approval of the TTSa project concept before these questions and comments were available is unfortunate. In fact, Resources Secretary, Norman B. Livermore, Jr. in mid-November 1974, advised me, in good faith, that your Board would not take up the matter of concept approval and would not grant concept approval until after the CEQ comments were received in early April 1975 and I in good faith relied on that representation. I was surprised to learn in December that a grant of more than \$1 million dollars had been made for design of the TTSa project in order to answer the questions posed by CEQ, and I was dismayed to learn in early March from your Board's staff that concept approval had been granted in late February before the CEQ questions were answered.

Response 7

On March 27, 1975, EPA responded to the questions raised by the Council on Environmental Quality. Notice of EPA's response to CEQ was published in the Federal Register on April 25, 1975, with a 30-day comment period allowed before the response was final. According to EPA personnel, no comments were received on the supplement within the comment period. The CEQ letter and EPA's response are attached as Exhibits B and C, respectively. Concept approval was given by the staff prior to completion by EPA of its response to the CEQ inquiry because it was necessary to complete detailed design work before some of the CEQ questions could be answered. CEQ itself recognized this fact in its letter to EPA when it stated: "Because of the

extent and importance of these issues, we recommend that EPA prepare a supplement to the final EIS for this project once the development of plans and specifications is completed."

(Emphasis added.) (EIS comment No. 7, page 159.)

Comment 8

U.S. Forest Service records indicate that peak sewage flows from the Tahoe Basin portion of the TTSa service area were 2.56 million gallons per day in August 1974. The peak sewage and infiltration flow was 2.92 in March 1974. The Tahoe City Public Utility District (TCPUD) claims that it has since reduced infiltration by more than 0.4 million gallons per day, indicating that 2.56 million gallons per day observed in August represents a valid measurement of current total peak sewage and infiltration flows. However, the EPA impact statement approved a TTSa sewage export line total flow capacity of 6.8 million gallons per day, with the rationale that average flows through such a pipe would probably not exceed about 3.8 million gallons per day, because of variations in sewage loads during the day. However, EPA engineers who are now reviewing the system design prepared under the grant made in December 1974, find that the export line is designed to carry total flow of at least 7.8 million gallons per day from Tahoe and that the total flow capacity could be even greater in actual operation because the system is sized to carry at least 7.8 million gallons per day in areas where the pipe is relatively flat.

Response 8

Flow figures presented for March 1974 (2.92 mgd) and August 1974 (2.56 mgd) appear reasonably accurate. Regional Board flow records for May 1975 indicate a peak flow of over 3.4 mgd occurred. This May 1975 figure represents a valid measurement of current total peak sewage and infiltration/inflow flow. In

view of the recent high peak flows observed, it is difficult to determine the effectiveness of previous actions to correct inflow/infiltration sources. The flow of 2.56 in August may not represent a true sewage plus infiltration flow as contended by the petitioner, since in August significant quantities of infiltration inflow would probably not occur.

The 6.8 mgd export line was identified in the draft EIS at page 86, Table 22. This figure was revised upward to 7.6 mgd peak wet weather flow in the final EIS\* and corresponds to an average daily flow of 3.89 mgd.

Plans and specifications for the interceptor have been approved by the State. The line was designed to carry 7.6 mgd; however, if that flow quantity for a given pipe slope required a nonstandard pipe size, the next larger pipe was used, i.e., if a 29-inch pipe was needed, a 30-inch pipe would be installed. The pipe capacity is affected by the combination of pipe size and slope. Therefore, there are some parts of the interceptor with capacity greater than 7.6 mgd. However, the capacity of the line is determined by the capacity of its smallest segment which is 7.6 mgd. Therefore, the overall design capacity of the line is 7.6 mgd. (EIR comments Nos. 10 and 11, page 159.) (See also Response 5.)

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\*Note: Page 85 and 86 of the Final EIS indicated a 3.89 mgd average daily flow and a 1.95 peaking factor, resulting in an interceptor capacity of 7.6 mgd.

Comment 9

"Wastewater infrastructure projects have had a significant influence on the land use pattern in the Lake Tahoe Basin. Land use densities have increased immediately following the expansion of plant capacities in areas serviced by three of the four major wastewater treatment facilities." So concludes recent EPA research report, "Influences of Wastewater Management on Land Use: Tahoe Basin 1950-1972", by James E. Pepper, U.C. Santa Cruz, report EPA-600-5-74-019, October 1974.

The TTSI project will clearly support future urban growth at Tahoe. But the public policy now beginning to take shape for Tahoe would tend to substantially reduce such growth, raising serious questions of whether there is a real and immediate need for the TTSI project to serve Tahoe.

Response 9

It is true that without capacity to treat sewage, development is inhibited. However, it is neither cost effective nor prudent to construct a facility without at least some reserve capacity for probable future population growth. It is the primary duty of the State Water Resources Control Board to protect water quality and to do this, facilities must be of adequate size to serve the area. The actual amount of growth allowed by the project is discussed under Comment 2 above. The control on future development of areas not already approved for improvement is primarily within the authority of the land use approving agencies, i.e., the counties and the regional planning agencies. (EIS comments Nos. 3a, 9, and 12, pages 158 to 159.)

Comment 10

According to EPA engineers reviewing the project design, the 83,000 ft (16 miles) export line, about 2½ to 3 ft in diameter will follow the Truckee River bed. The pipe will be laid underground and will cross under the river at eight (8) places. Six of these river crossings are in the relatively short stretch of scenic river area between Lake Tahoe and Squaw Valley. The pipe is estimated to cost about \$10 million of the approximately \$30 million of the total project.

Response 10

The interceptor will cross under the river in eight places as indicated above. The design was closely coordinated with the State Department of Fish and Game, Parks and Recreation, and U. S. Forest Service. All of these agencies concur with the choice of the proposed interceptor design. The alternative to the line chosen is a line following the highway easement. Such a line would have to be a combination of gravity and pressure lines.

Considerations which led to preference for the gravity line selected were lower cost, increased reliability, energy conservation, more adequate service along the interceptor and reduction of inspections and maintenance concerns. The pipe will be buried, so that it ultimately will not affect the scenic river, although there will be some disturbance during construction. The Lahontan Regional Board will issue requirements prohibiting siltation of the river during construction. (See Regional Board comments on the EIS, page 249 of the EIS.) (EIS comment No. 3b, page 158, also EIS, Appendix R, pages 54-57.)

Comment 11

Geological data obtained by the Board's staff indicate that the cinder cone disposal site now used for disposal of Tahoe sewage outside the basin can assimilate at least 2.8 million gallons per day on a continuing basis and could very likely assimilate even larger quantities of effluent if nutrients and other impurities were removed by higher-level treatment. These nutrients now enter the Truckee River after passing through the cinder cone. The sewage deposited there now receives only primary treatment for export from the Basin to the cinder cone disposal site. Preliminary estimates indicate that the existing plants could be upgraded to secondary level treatment for about \$3 million and to adequate tertiary treatment levels for a total outlay of about \$6 million at a capacity level of 3 million gallons per day. If the disposal site should become inadequate, alternative or supplementary sites do exist within a few miles but more study is needed to define their capacities and appropriate configurations for their use. These sites were studied in 1968 by Robert Matthews, now Dean of Environmental Sciences at U.C. Davis, and were reported in "Reconnaissance - Geological Investigation of Potential Sewage Disposal Sites: Lake Tahoe.

Response 11

A comprehensive analysis was completed of the alternative methods for meeting the regional sewerage needs of the area.

In the final analysis the single plant having a high degree of treatment reliability was selected as being the best alternative from among those considered. The separate and continued use of the Cinder Cone was included in the plant concept alternatives considered. (See particularly, pages 88, 105-108 and 118-121 of the EIS.)

While the separate plant alternative was comparable to other alternatives in cost, it received a less acceptable rating in environmental impact, reliability, flexibility of system to meet

changing requirements, and compatibility with present water quality policies, regional planning and legal requirements. The EIS (EIS, page 119 and Appendix N, pages 33-35) indicates that the continued use of the Cinder Cone could result in exceeding Regional Board nitrate requirements. Further, the Forest Service has expressed its desire to return the Cinder Cone to public recreation use (EIS, page 137). The Cinder Cone's precise ultimate capacity is not known (See, e.g., page 119, EIS). Further, the EIS (Appendix N, page 27) indicates that excessive ground water mounding could occur from continued use of the Cinder Cone and result in ground water movement toward the Tahoe Basin. In addition, it would not be desirable in terms of plant reliability to have several highly refined treatment plants of the type necessary to meet water quality requirements (including tertiary treatment and nitrogen removal) rather than the one plant where the full resources of Tahoe-Truckee Sanitation Agency can be applied to proper operation and maintenance. Regional Board waste discharge requirements order termination of discharges to the Cinder Cone by January 1, 1976. (EIS comments Nos. 3c, 4, 12, 13, 14, pages 158-160.)

Comment 12

Sewage from downstream areas such as Squaw Valley and Alpine Meadows could be handled, it appears, by means other than the proposed system. Squaw Valley current flows are about 0.25 million gallons per day and less than that for Alpine Meadows. High-level advanced treatment facilities installed at Kirkwood Meadows during the past two years, since the TTSI concept was evolved must meet far more stringent effluent requirements for discharge into Kirkwood Creek (in the American River drainage basin) than is required for effluent from the proposed TTSI plant. Your Board should know before committing to the current TTSI proposal why an on-site treatment system, that is acceptable at Kirkwood Meadows should be unacceptable at Squaw Valley and Alpine Meadows, where discharged water quality requirements are less stringent. The Kirkwood plant, because of the stringent effluent requirements there, has forced advances in the state-of-the-art and the technical problems that are inevitable in such undertakings are now being worked out. The City of Palo Alto also is implementing an advanced treatment system to return highly-treated local effluent to the ground water table in the Palo Alto area. Clearly the state of the art has moved forward since the TTSI concept was evolved and better alternatives may now or soon be available, that is, better in the sense of providing adequate water quality with less destruction of the landscape and less urban growth in the Tahoe Basin.

Response 12

An alternative similar to the alternative suggested above was considered and rejected in favor of the regional project. (See discussion of "Plan J", EIS pages 105-108 and 118-121.)

It was felt that several smaller plants would work less effectively than one regional plant in eliminating water quality problems.

With respect to petitioner's suggestion that a Kirkwood Meadows type plant be used, the highly sophisticated method of treatment being used at Kirkwood is still considered experimental and it is not certain whether the performance of the plant will live up to operational expectations. (EIS comments Nos. 5, 11, 15, 16, pages 158 to 160.)

Comment 13

The EIS on which your Board staff based its concept approval considers primarily water quality impacts and only secondarily considers total environmental impact. Although the project may be good for water quality, it's bad for Lake Tahoe Basin environmental quality because it supports urban growth and it disrupts the scenic river bed. It is what the language of systems analysis calls suboptimization: it achieves more of a narrower objective but less of a broader objective. Since the broader objective is quality of the utterly unique Lake Tahoe Basin, we should not settle for less.

Comment 14

The professional and administrative resources of the State of California should be brought to bear in developing the facts necessary to reach a balanced sound decision in the best long run interests of this state. Water quality is an important element but not the whole and a sound decision must balance water quality and urbanization with total environmental quality. If comprehensive professional analysis demonstrates that the proposed TTSR regional system configuration at the size levels proposed by the Water Quality Division of EPA is the only feasible means of maintaining water quality in Lake Tahoe and the Truckee River under current and foreseeable levels of urbanization, then that is cause enough to reduce future and current levels of urbanization at Tahoe. If we can't simultaneously have water quality, landscape quality and urbanization at Tahoe, then by all means give up urbanization. Certainly don't give up water and landscape quality for urbanization.

Comment 15

The government and people of California face hard choices among undesirable alternatives now because the Tahoe Basin and down-river areas were urbanized during the past twenty years and more. None of the available alternatives are ideal; all have drawbacks but some are worse than others.

Response 13, 14, and 15

These comments express a matter of opinion and are valid in that respect. They do not, however, provide an entire picture of the situation upon which one may come to a conclusion on the matter. These same types of considerations were brought up in comments in the EIS regarding EPA's responsibilities to the environment. (EIS comment No. 17, page 161.)

ORDER

IT IS HEREBY ORDERED that:

1. The grant contract for the Tahoe-Truckee Sanitation Agency wastewater treatment facilities be conditioned as set forth on page 14 of this order.

2. The petition of the Lake Tahoe Task Force, Northern California Regional Conservation Committee, Sierra Club, be denied.

Dated: June 19, 1975

/s/ W. W. Adams  
W. W. Adams, Chairman

ABSENT  
W. Don Maughan, Vice Chairman

/s/ Roy E. Dodson  
Roy E. Dodson, Member

/s/ Mrs. Carl H. Auer  
Mrs. Carl H. (Jean) Auer, Member